

THE HON'BLE SRI JUSTICE T.AMARNATH GOUD

C.M.A. No.1207 of 2002

JUDGMENT:

This appeal is filed by the appellant/insurer questioning the order passed in O.P.No.5 of 1994, dated 12-06-2001 of the Motor Accident Claims Tribunal-cum-Additional District Judge, Mahabubnagar (for short, 'the Tribunal').

2. Brief facts of the case are that on 15-07-1992 while the deceased – Nagoji along with other labourers proceeding on a lorry bearing No.AHT 6561 and when it reached Shadnagar, the driver of the said lorry drove it at a high speed in a rash and negligent manner and lost the control over it and while serving curve, it turned turtle, due to which, he sustained grievous injuries and died. The claimants, who are the parents and wife of the deceased, filed claim petition claiming compensation of Rs.1,50,000/- for the death of the deceased.

3. In the claim petition, the 2nd respondent, who is the insurer of the crime vehicle, filed its counter denying the allegations made by the claimant and contended that the amount claimed by the claimant is highly excessive and that it is not liable to pay any compensation and therefore prayed to dismiss the claim petition.

4. After considering the oral and documentary evidence on record, the Tribunal held that the accident occurred due to rash and negligent driving of the driver of the crime vehicle and accordingly granted compensation of Rs.1,16,000/- to the claimant payable by the respondents jointly and

severally with interest @ 12% per annum. Aggrieved by the same, the insurer filed this appeal.

5. Heard.

6. The only point raised by the learned Standing Counsel for the appellant/insurer is that the Tribunal ought to have granted the prevailing rate of interest at the time of filing of O.P. Therefore, he prayed to reduce the rate of interest from 12% to 9%. Further, he does not dispute with regard to the other aspects in the award.

7. I do not see any reason to disagree with the contention raised by the learned Standing Counsel for the appellant to reduce the rate of interest from 12% to 9%. Hence, except reducing the rate of interest from 12% to 9%, the award granted by the Tribunal shall remain unchanged.

8. Accordingly, the Appeal is partly allowed. No costs.

9. Miscellaneous petitions pending, if any, shall stand dismissed.

No order as to costs.

T.AMARNATH GOUD, J

Date: 23-10-2019

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